

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NY

JAMES ZIMMERMAN, et al.,

)

*Plaintiff*

)

v.

)

POLY PREP COUNTRY DAY SCHOOL, et al.,  
(See Schedule A for Full Caption),

Civil Action No. 09-cv-4586 (FB)(CLP)

*Defendant*

)

**FIRST AMENDED  
SUMMONS IN A CIVIL ACTION**

To: (*Defendant's name and address*) Michael Novello  
7914 Royal Birkdale Circle  
Lakewood Ranch, FL 34202

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Kevin T. Mulhearn, P.C.  
60 Dutch Hill Road, Suite 8  
Orangeburg, NY 10962  
Phone: (845)398-0361  
Fax: (845)398-3836  
Email: kmulhearn@ktmlaw.net

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*CLERK OF COURT*

Date: \_\_\_\_\_

*Signature of Clerk or Deputy Clerk*

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Civil Action No. 09-cv-4586 (FB)(CLP)

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

- I personally served the summons on the individual at *(place)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or
- I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_,  
a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or
- I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or
- I returned the summons unexecuted because \_\_\_\_\_; or
- Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_ *Server's signature*

*Printed name and title*

*Server's address*

Additional information regarding attempted service, etc:

**SCHEDULE A:**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

JAMES ZIMMERMAN, PHILIP CULHANE,  
DAVID HILTBRAND, WILLIAM JACKSON,  
GEORGE ZAROU, JOHN JOSEPH PAGGIOLI  
(Formerly "JOHN DOE I"), "JOHN DOE II," "JOHN  
DOE III," PHILIP C. HENNINGSEN (Formerly "JOHN  
DOE IV"), PHILIP LYLE SMITH, "JOHN DOE V," and  
DAVID ZARNOCK,

**FULL CAPTION**

Plaintiffs,

- against -

POLY PREP COUNTRY DAY SCHOOL, WILLIAM  
M. WILLIAMS, DAVID B. HARMAN, VARIOUS  
MEMBERS OF THE POLY PREP BOARD OF TRUSTEES,  
WHOSE NAMES ARE CURRENTLY UNKNOWN AND  
THUS DESIGNATED AS "JAMES DOE I-XXX," HARRY  
PETCHESKY, ESQ., ROBERT F. HERRMANN, ESQ., and  
MICHAEL NOVELLO,

**09 Civ. 4586 (FB)(CLP)**

Defendants.

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